

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORIGINAL SIDE

NOTICE OF MOTION NO.2538 OF 2004  
IN  
APPEAL (LODGING) NO.502 OF 2004  
IN  
NOTICE OF MOTION NO.1222 OF 2004  
IN  
SUIT NO.2939 OF 1999

1. Shri N.L. Mehta & anr.

Appellants

vs.

1. Foreshore Co-operative  
Housing Society Limited & ors.

Respondents

Mr.R.M.Kadam with Mr.Vineet Naik i/b. M/s.M.K. Ambalal  
& Co. for the appellants.

Mr.Sagar Kadam i/b. M/s.S.Mohammedbhai & Co. for the  
respondent no.1.

Mr.Vinod Mahadik for the respondent no.6.

Mr.P.Jaiswal i/b. M/s.Kanga & Co. for the respondent  
no.7.

**CORAM : R. M. LODHA &  
J.P. DEVADHAR,JJ.**

**DATED : 28th October 2004**

**P.C.**

Heard Mr.R.M.Kadam, the learned counsel for the  
applicant and Mr.Sagar Kadam, the learned counsel for  
the respondent no.1.

2. For the reasons stated in the affidavit in support  
of the notice of motion, we are satisfied that the  
appellants were prevented by sufficient cause in filing

the appeal in time and the inconvenience caused to the respondent no.1 can be compensated by award of reasonable cost.

3. We, accordingly, condone the delay in filing the appeal subject to appellants' paying cost of Rs.5,000/- to the first respondent within three weeks from today.

4. Notice of motion stands disposed of.

**(R.M. LODHA,J.)**

**(J.P. DEVADHAR,J.)**